

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven M. Zuniga, et al. Art Unit: 1763
 Serial No.: 09/848,830 Examiner: S. MacArthur
 Filed: May 3, 2001
 Title : A CARRIER HEAD WITH A MULTILAYER RETAINING RING FOR
 CHEMICAL MECHANICAL POLISHING

Commissioner for Patents
 Washington, D.C. 20231

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PETITION TO WITHDRAW NOTICE OF ABANDONMENT OR TO REVIVE
APPLICATION UNDER 37 CFR §1.137(B)

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed November 29, 2001 (copy enclosed). The application was abandoned under 37 CFR §1.135 for failure to respond to the Office Action mailed May 9, 2002.

The undersigned, applicant's attorney of record, first became aware of the abandonment on about December 18, 2001, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that a Response was timely filed on November 8, 2002:

1. A copy of the Transmittal Letter and Petition for Automatic Extension, including an executed certificate of mailing signed by Nikia M. McNillion on November 8, 2002, which extended the period for responding to the Office Action for three months, to and including November 9, 2002;

2. A copy of the response to the Response, including an executed certificate of mailing signed by Nikia M. McNillion on November 8, 2002. Due to a clerical error, the date listed on the date of deposit line was "Ocotber 8, 2002";

✓ 3. A copy of the postcard dated November 8, 2002 that was included with the response and Petition for Extension of Time;

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CERTIFICATE OF DELIVERY BY HAND

I hereby certify that this correspondence is being delivered by hand on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Delivery January 16, 2003

Signature *David G.*

David J. Goren
 Typed or Printed Name of Person Signing Certificate

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4. A copy of the postcard stamped received by the PTO Mailroom on November 22, 2002; and

5. A statement by Nikia M. McNillion that the documents were mailed on November 8, 2002.

Applicant submits that the response to the Office Action was timely filed and requests that the Notice of Abandonment be withdrawn.

Alternatively, in the event that the Patent Office deems the present proof that the Office Action was timely filed to be insufficient, Applicant petitions for the application to be revived under 37 CFR §1.137(b). The previously filed response to the action to continue prosecution of the application is enclosed. If necessary, the Patent Office is authorized to charge the petition fee as set forth in 37 CFR §1.17(m) to Deposit Account No. 06-1050.

Applicant submits that the entire period of delay was unintentional.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 1/16/03

David J. Goren
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